

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DEVEARL L. BACON,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 06-519-JJF
	:	
THOMAS CARROLL,	:	
Warden, and JOSEPH R. BIDEN, III,	:	
Attorney General for the State of Delaware,	:	
	:	
Respondents.	:	

MOTION FOR EXTENSION OF TIME TO FILE
CERTIFIED STATE COURT RECORDS

1. The petitioner, Devearl L. Bacon, has applied for federal habeas relief challenging his June 2001 conviction by a Delaware Superior Court jury of five counts of first degree robbery, two counts of possession of a firearm during the commission of a felony, first degree carjacking, two counts of possession of a deadly weapon by a person prohibited, two counts of aggravated menacing, and two counts of wearing a disguise. D.I. 2. The undersigned filed an answer to the petition on January 5, 2007. D.I. 17.

2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's appeal. Respondents moved for an extension of time to file the state court records until January 22, 2007. D.I. 18.

3. Unfortunately, the undersigned has been unable to obtain the certified state court records in order to file them today. The undersigned was out of the office for several days last week due to an illness. Further, the Chief of Appeals, who had anticipated retrieving the records

from Dover last week, was unable to do so. The undersigned anticipates obtaining and copying the records on or before February 12, 2007.

4. Respondents submit that an extension of time to February 12, 2007 in which to file certified copies of the material portions of the state court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/ Elizabeth R. McFarlan
Deputy Attorney General
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820 N. French Street
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Date: January 22, 2007

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Petitioner,	:	
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Attorney General for the State of Delaware,	:	
	:	
Respondents.	:	

ORDER

This ____ day of _____, 2007,

WHEREAS, respondents having requested an extension of time in which to file certified state court records, and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that certified state court records shall be filed on or before February 12, 2007.

United States District Judge

RULE 7.1.1 CERTIFICATION

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Elizabeth R. McFarlan
Deputy Attorney General

Counsel for Respondents

Date: January 22, 2007

CERTIFICATE OF SERVICE

I hereby certify that on January 22, 2007, I electronically filed this motion for extension of time to file certified state court records and attachments with the Clerk of Court using CM/ECF. I also hereby certify that on January 22, 2007, I have mailed by United States Service, two copies of the same documents to the following non-registered participant:

Devearl L. Bacon
SBI No. 221242
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

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